

Case No.
Gwin, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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|--------------------------|---|-------------------------|
| ALLEN F. CAMPBELL, | : | CASE NO. 1:20-cv-00473 |
| | : | |
| Plaintiff, | : | |
| | : | |
| vs. | : | OPINION & ORDER |
| | : | [Resolving Doc. 67, 69] |
| | : | |
| EGIDIJUS MARCINKEVICIUS, | : | |
| | : | |
| | : | |
| Defendant. | : | |
| | : | |

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

In this case involving disputes over the allocation of trust assets, Plaintiff Campbell and Defendant Marcinkevicius have agreed to a December 7, 2022, mediation. Separately, the Court has set a January 9, 2023, dispositive motion deadline, with oppositions due January 23, 2022, and replies due January 30, 2022.

Despite the Court's January 9, 2023, dispositive motion date, on October 18, 2022 Plaintiff filed a renewed motion for summary judgment.¹ On November 18, 2022, Defendant filed a motion to extend to December 23, 2022, his response to Plaintiff's October 18, 2022, summary judgment motion , or in the alternative to extend the dispositive motion deadline from January 9, 2023 to February 27, 2023.² Plaintiff opposes,³

¹ Doc. 56.

² Doc. 67.

³ Doc. 68.

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and in the alternative requests an extension of time for his reply to Defendant's opposition.⁴

For the reasons discussed below, the Court **GRANTS** in part and **DENIES** in part Defendant's motion for extension and **DENIES** Plaintiff's request for an extension. The parties are ordered to follow the current January dispositive motion schedule.

I. Discussion

Under Fed. R. Civ. P. 16, the Court used the case management conference to decide the "timing of summary adjudication under Rule 56." The Court established a dispositive motion cut-off date of January 9, 2023.

Plaintiff jumped the Court-established summary judgment schedule. On October 18, 2022, Plaintiff filed an early motion for summary judgment. Although summary judgment opposition must normally be filed within 30 days, the Court had established January 23, 2023, as the cut-off for summary judgment motion opposition. Defendant has filed an affidavit stating that an earlier summary judgment opposition deadline would prejudice Defendant because depositions have not yet taken place and are not scheduled to begin until after the parties complete mediation on December 7, 2022.⁵

Under Fed. R. Civ. P. 56(d), the Court may grant Defendant an extension to take discovery. The Court will grant Defendant an extension through to the January 23, 2022, opposition deadline, but denies Defendant's request to move that deadline. Defendant will have ample time between December 8, 2022 and January 23, 2022 in which to conduct discovery for its opposition to summary judgment.

⁴ Doc. 69.

⁵ Doc. 67-1.

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Plaintiff will have until the pre-existing January 30, 2022, reply deadline to respond to Defendant's opposition.

IT IS SO ORDERED.

Dated: November 30, 2022

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE